

Exhibit J

THE
NEW YORKER

ALAN DERSHOWITZ, DEVIL'S ADVOCATE

*The noted lawyer's long, controversial career—and the accusations against him.*By **Connie Bruck** July 29, 2019

0:00 / 1:39:17

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“**A** lie is a lie is a lie,” Whoopi Goldberg said. It was May 2nd, and she was on the set of “The View,” the daytime talk show that she co-hosts. The subject was Attorney General William Barr, who had argued that the special counsel Robert Mueller’s report was not as alarming as it seemed—endorsing Donald Trump’s claim that there had been “no collusion, no obstruction” in the Russia case. Goldberg was incredulous. “Our parents taught us, if you lie, there are consequences,” she said. “When are consequences coming back?”

Her guest, the attorney Alan Dershowitz, offered an answer that combined legal analysis and political handicapping. “They come back in November of 2020, when we all go to the polls and we vote against people that we think lied,” he said. “But it would be a terrible thing”—he held up a finger for emphasis—“to *criminalize* lies.”

Dershowitz is a frequent guest on shows like “The View”; for decades, he has been a frequent guest just about everywhere. If you are a television producer putting together a segment about a celebrated criminal case, Dershowitz is an ideal booking. Intellectually nimble and supremely confident, he is an emeritus professor at Harvard Law School but also an occasional reader (and subject) of the tabloids. Over the years, he has written thousands of newspaper articles, magazine columns, and Web posts. With help from research assistants, he has published three dozen books—including “The Best Defense,” “Chutzpah,” and “Sexual McCarthyism”—that recount his cases and advance his opinions.

In recent years, as Dershowitz approached the age of eighty, his public presence faded a bit. But Trump's Presidency has enabled a comeback. Dershowitz, a proponent of civil liberties, has made a specialty of defending people who do outrageous things, and Trump does outrageous things constantly. Media outlets looking for someone to argue Trump's side have been happy to have Dershowitz on the air, explaining why the President's critics are putting politics before the law. In May, an edition of the Mueller report, with an introduction by Dershowitz, made the *Times* best-seller list.

On "The View," Goldberg promised the audience that she'd hand out copies of the book after the taping. But she remained skeptical of Dershowitz's defense of Barr. He offered an explanation: lying to Congress or to the F.B.I. was illegal, but misleading the public was not. "The rule of law requires that we distinguish between sins and crimes," he said. "There's no federal crime that says that it's illegal to lie to the media."

After a commercial, the next segment began, with images of several controversial Dershowitz clients: Claus von Bülow, O. J. Simpson, Mike Tyson. The lineup included Jeffrey Epstein, a wealthy money manager who had been accused of sexually abusing underage girls. Starting in 2005, investigators had traced a sex-trafficking operation that extended from mansions in New York and Palm Beach to a Caribbean island, Little St. James, that Epstein owned. As charges became public, press accounts enumerated his famous acquaintances—including Bill Clinton, Prince Andrew, and Kevin Spacey—and described trips to the island on his plane, the so-called Lolita Express. Despite sworn accounts from more than a dozen women, Dershowitz and his team secured a deal in which Epstein pleaded guilty to minor charges and served only a brief sentence. On "The View," which was hosted by four women, Dershowitz described the experience as fraught: "It's a case that was very, very difficult, and very, very painful for me, because I saw real victims out there. I'm a very strong supporter of the MeToo movement." But, he said, an attorney is obligated to defend the rights of the accused: "I think of myself like a doctor or a priest. If they wheel Jeffrey Epstein into the emergency ward, the doctor is going to take care of him." (Dershowitz put it differently to me, in one of a series of conversations this spring and summer: "Every honest criminal lawyer will tell you that he defends the guilty *and* the innocent.")

One of the hosts, Abby Huntsman, pointed out, "It does get more complicated for you in your personal life." In 2014, Virginia Roberts Giuffre, one of Epstein's victims, stated in a court filing that Epstein lent her out for sex to his friends—Dershowitz among

them. Dershowitz has strenuously denied the allegations, and maintained that Giuffre is a near-pathological liar engineering an extortion plot. Giuffre's claims about him have never been directly tested in court; instead, they have featured as side arguments in civil suits brought by others. Two weeks before the taping, though, Giuffre had sued Dershowitz directly, for defamation.

On the air, Dershowitz said that he welcomed Giuffre's lawsuit. "I also welcome her coming on this show and accusing me face to face," he said. "I have been falsely accused," he went on, more intently. "So I am *welcoming* this trial." He rubbed his hands together. "This is the first opportunity I have to conclusively prove my innocence."

VIDEO FROM THE NEW YORKER

Throwing Shade Through Crosswords

Huntsman read a statement from Giuffre: "My abusers have sought to conceal their guilt behind a curtain of lies. My complaint calls for the accounting to which I, and the other victims, are entitled."

"She's right. She's entitled to an accounting," Dershowitz said. "I have—"

"Alan," Goldberg said. The segment was running out of time.

“—invited the F.B.I. to the trial—”

“Alan, you gotta stop.”

“—so that—”

“Alan! You want me to give the book away? We’ve gotta give the book away.”

Dershowitz recovered his composure and smiled for the camera. Before the show cut to commercial, he got in a last word: “My reputation is more important than my book.”

For decades, while Dershowitz was teaching at Harvard Law School and practicing as a criminal-defense lawyer, he collected notes from his critics and posted the most vitriolic ones on his office door: “You are a demon of evil”; “You are the best argument for abortion one could present.” The notes signalled to students that the law was an arena of principled, if gleeful, combat—a message reinforced by Dershowitz’s habitual manner of genial belligerence. When he was attacked, not just by note writers but also by colleagues in the bar and by an occasional judge, it only confirmed the efficacy of what Dershowitz has called his “confrontational legal style.” He specializes in appellate law, working to overturn convictions on appeal, a branch of law that often requires dismantling the strategy and the arguments of other lawyers. Laurence Tribe, a constitutional-law expert and a longtime associate of Dershowitz’s at Harvard, told me, “He revels in taking positions that ultimately are not just controversial but pretty close to indefensible.”

Dershowitz describes his early life as an ideal preparation for conflict. He grew up in an Orthodox Jewish household in Borough Park, Brooklyn, and has written that he often got into fights with Italian kids in the neighborhood, “though I don’t recall getting anything worse than a few deep cuts, several broken teeth, and one concussion.” (His mother, Claire Dershowitz, disputed this account, telling the *Washington Post*, “The only time his tooth was knocked out was when he played tennis.”) At yeshiva, he had a reputation as a wise guy, and his principal recommended that he become “something where you use your mouth but don’t need much brains.” His fellow-students, drafting the yearbook, wrote that he had a “mouth of Webster and a head of Clay.”

At Brooklyn College, he began to apply himself, and he excelled. In 1959, he was admitted to Yale Law School. Before moving to New Haven, he married Sue Barlach, a

young woman from Bayonne, New Jersey, whom he had met during high school, at a Jewish summer camp in the Catskills. She was nineteen when they arrived in New Haven, and within two years they had a son. Sue's younger sister, Marilyn, dated Dershowitz's younger brother, Nathan, and they often came to New Haven to visit. In 1963, Sue and Alan's second son was born.

Dershowitz felt like an outsider at law school. He has written that, when he gave his first presentation, his "accent was openly laughed at," as was his "non-preppy garb, which included Bermuda shorts with a Phi Beta Kappa key ostentatiously dangling from a pocket." He kept kosher, which meant that he couldn't eat in the common dining room, and he didn't drive or work on the Sabbath. When he was being considered for the position of editor-in-chief of the *Yale Law Journal*, classmates asked if his religious observance would interfere with editorial responsibilities. He got the post anyway.

During his second year, he applied to some thirty Wall Street law firms for a summer job and was rejected by all of them—notably by Cravath, Swaine & Moore, where he badly wanted to work. (In 1976, he represented an Italian-American lawyer who was suing the firm for religious and ethnic discrimination.) Still, he made an impression at Yale. Dershowitz graduated at the top of his class and went on to serve as a clerk for two esteemed liberal judges: David Bazelon, of the U.S. Court of Appeals for the D.C. Circuit, and Arthur Goldberg, the Supreme Court Justice. In 1964, Dershowitz was hired as an assistant professor at Harvard Law School, and at twenty-eight became a full professor. Stuart Eizenstat, a student of his who later became a policy adviser to President Jimmy Carter, told me, "He was the most exciting, most engaging professor I had at Harvard Law School."

Dershowitz established himself as a civil libertarian, with a particular interest in the rights of the mentally ill. An impassioned First Amendment advocate, he defended neo-Nazi speech and pornography, starting with "I Am Curious (Yellow)," an earnestly smutty Swedish film released in 1967. He joined the national board of the American Civil Liberties Union, and represented many litigants pro bono in cases involving challenges to censorship and to the death penalty.

Nancy Gertner, a former federal judge who worked with Dershowitz in the late seventies and now teaches at Harvard Law School, told me, "He's very brilliant, just in the sense of the speed at which his mind works, and how prolific he is in churning out thoughts."

From the beginning of his career, Gertner said, “he had the imagination to see strategies and arguments other people don’t.” He also understood, before most of his peers did, the value of deploying the media. As he wrote in his 2013 memoir, “Taking the Stand,” “If you don’t have the law or legal facts on your side, argue your case in the court of public opinion.” Dershowitz seemed to delight in publicity, even though he told friends that “the aggressive and fast-talking know-it-all” who appeared on TV wasn’t really him. Some members of the law-school faculty were nonplussed by his media presence, his self-promotion, and his decision to take on cases while teaching. But Dershowitz heeded advice that he said Judge Bazelon had given him: “Don’t follow in anyone’s footsteps. Your feet are too big to fit anyone else’s print. Create your own life.” Dershowitz once wrote, “It was scary, but it fit my personality to a T.”

In December, 1971, while Dershowitz was on sabbatical in Palo Alto, his ten-year-old son, Elon, was diagnosed as having a brain tumor. Dershowitz, distraught, became fixated on finding a cure. “I couldn’t concentrate on my book,” he wrote, in “Taking the Stand.” “My marriage, which had been suffering for several years even before our trip to California, was now in deep trouble.” After surgery, Elon eventually recovered, but the marriage did not. When the family returned to Cambridge, Dershowitz immersed himself in a case in New York, in which he successfully defended a member of the militant Jewish Defense League against a murder charge in the bombing of two office buildings. Dershowitz’s collaborators were Harvey Silverglate, a former student of his, who had a small firm in Boston, and Jeanne Baker, a law-school student who was a research assistant there. “Working together with these two extraordinary young lawyers,” he wrote, “made it clear to me how unhappy I was in my marriage.”

In 1973, he and Sue separated, after fourteen years of marriage, and she soon filed for divorce. The case went to court in early 1976, and the proceedings were acrimonious. In Judge Haskell Freedman’s lengthy findings of fact, he wrote that Dershowitz’s behavior toward Sue “negatively affected the plaintiff’s health to the extent that she required medical treatment and briefly some psychiatric therapy.” (Dershowitz denies mistreating her, and his son Elon said that he witnessed no improper treatment.)

Sue had been given provisional custody of the children, but Dershowitz, represented by his friend Silverglate, was seeking sole custody. He brought in a psychiatrist named Pierre Johannet as an expert witness. At first, Johannet recommended joint custody. But in an appearance a month later he testified that he had changed his mind, after listening

to tapes of phone conversations between Dershowitz and Sue. (Dershowitz has a long habit of recording calls, but says that he has no recollection of taping these.)

Judge Freedman, too, was influenced by the tapes. In the conversations, Sue addressed Dershowitz “in the most disparaging terms,” according to the findings. “She called him names over the telephone while the children listened.” The judge noted that Sue interfered with Dershowitz’s visits with the children and harshly insulted Jeanne Baker, who had become Dershowitz’s girlfriend. Freedman relied on testimony from a number of witnesses—including Sue’s sister, Marilyn, who by then was married to Dershowitz’s brother—that Dershowitz would do more to help the children adjust to the divorce. Freedman acknowledged that Johannet had reversed his position—but that, he wrote, merely proved that he was a “truly objective witness.” He awarded Dershowitz custody.

The couple’s dispute over alimony was no less fraught. Sue maintained that Dershowitz had substantially understated his income. In response, Dershowitz submitted two doctors’ affidavits stating that he had developed hypertension; one recommended that he “slow down from his present hectic professional pace.” The judge decided that he should pay Sue a modest sum for five years and nothing thereafter.

The divorce seemed to liberate Dershowitz. He dated widely, becoming a familiar presence at the bar of Harvest restaurant, in Cambridge. In 1982, Dershowitz was giving a speech in Boston, and a psychologist named Carolyn Cohen came to hear him; he spotted her in the back of the room and was transfixed. They soon began living together, and were married four years later; their daughter was born in 1990. They bought a house in Cambridge and vacationed on Martha’s Vineyard.

Sue Barlach moved to New York, and for several years worked as a research librarian for the International Ladies’ Garment Workers’ Union. On New Year’s Eve, 1983, she drowned in the East River, in an apparent suicide.

One night in 1980, Dershowitz appeared at Harvard’s Quincy House dorm, where the porn film “Deep Throat” was scheduled to be screened. He was prepared for controversy. The movie’s female star, Linda Lovelace, had recently published a memoir, “Ordeal,” in which she said that her husband had forced her at gunpoint to perform in the film, and her case had become a feminist cause célèbre. In the days before the

screening, some female residents of Quincy House had objected to being “subjected to abuse and degradation right in our own living room.”

Four years earlier, Dershowitz had represented Harry Reems, the movie’s male star, who had been convicted of conspiring to transport an obscene film across state lines.

Dershowitz saw the suppression of “Deep Throat” as a violation of free speech. He was also not convinced that Lovelace’s performance was coerced. In “The Best Defense,” he recalls asking Reems about her claims. Reems, he wrote, “laughed and said, ‘Are you kidding? . . . She was really into it.’ ”

After young women at Quincy House asked police to prevent the screening, Dershowitz maintained that a fundamental liberty was at stake. “If there is anything more obnoxious to a civil libertarian than the punishment of speech *after* it has taken place, it is the issuance of a *prior* injunction to prevent speech in the first place,” he wrote. Dershowitz argued in various places, including a monthly column he wrote for *Penthouse*, that “radical feminists” were using Lovelace to advance an “all-out war against pornography.” When a crowd of viewers and protesters gathered in front of Quincy House for the screening, he told them, “Feminist fascists are no better than any other kinds of fascists.”

During the eighties and nineties, Dershowitz continued to advocate for civil liberties, but his cases increasingly centered on celebrity, wealth, and greed. In his book “Letters to a Young Lawyer,” Dershowitz identified some common traits among his most infamous clients: “Each of these defendants has virtually unlimited quantities of some things, such as money, power or access to sex or power. They, like everyone else, also had limited quantities of other things, such as life, health, duration of career, reputation, time with family, etc. They got into trouble by putting at risk what they had limited amounts of in order to increase the quantities of those things they had unlimited amounts of.”

His first tabloid-famous client was Claus von Bülow, a Danish-British aristocrat who had been convicted of trying to kill his wife, the heiress Martha (Sunny) von Bülow. In 1982, he hired Dershowitz to appeal the conviction. Von Bülow, trained as a lawyer, had polished manners and, as a result of his marriage, a vast fortune. Describing his first visit to von Bülow’s residence, Dershowitz wrote, “Though I had passed by many of the elegant mansions along Fifth Avenue on my way to and from the museums, I had never actually been inside one.” There was a wood-panelled elevator, art works in the hallway,

and a sitting room with antique leather-bound books on the shelves. “I felt I was in a different world,” he wrote.

Von Bülow had been convicted of attempting to kill his wife by injecting her with insulin; afterward, she lapsed into a decades-long coma, from which she never emerged. Dershowitz, leading a team of law students and young associates, devised an appellate argument built around the idea that Sunny might have caused her own coma, through a prolonged addiction to pills and alcohol. In 1984, Dershowitz got the conviction reversed, and, in a new trial, von Bülow was acquitted.

Dershowitz wrote a book about the case, “Reversal of Fortune,” which was published in 1986. Nora Ephron, reviewing it for the *Times*, noted wryly, “Throughout, in the venerable tradition of defense lawyers who write books about themselves, Mr. Dershowitz made brilliant decisions no one else would ever have been brave or intelligent enough even to consider.” Dershowitz wrote a letter to the editor complaining that Ephron was deriding his work in order to help get a friend’s book about the same case published. (The friend published no such book—and, Ephron replied, wasn’t even a friend.)

“Reversal of Fortune” sold poorly, but Elon, who was involved in the film business, thought that it might find a larger audience as a movie. In 1990, it was released as a major Hollywood film, with Elon as a co-producer. Dershowitz, played by Ron Silver, is portrayed onscreen as a committed fighter for principle. “I’m not a hired gun,” he tells von Bülow, played by Jeremy Irons. “I’ve got to feel there’s some moral or constitutional issue at stake.”

Several Harvard Law School students who were in Dershowitz’s criminal-law class the following spring told me that they were excited to be taught by a legal celebrity. But some of the women in the class found his lectures uncomfortable.

Dershowitz has written frequently that defending the rights of the accused in rape cases is a crucial application of the presumption of innocence. In “Contrary to Popular Opinion,” published in 1992, he included a list of cases in which women acknowledged having made false accusations of rape. He argued, “It is precisely because rape is so serious a crime that falsely accusing someone of rape should be regarded as an extremely

serious crime as well. Imagine yourself or a 'loved one' being falsely accused of raping a woman!"

Some students thought that he strained logic in order to defend men. "In Dershowitz's view, men who are accused of rape, there has got to be a defense," one female student from the 1991 class recalled. "He had convoluted ways of thinking about how men could misinterpret lack of consent. And it wasn't relegated to when we were speaking about a rape case. Wherever we were on the syllabus, he would bring it up."

William Kennedy Smith, a nephew of John F. Kennedy, had recently been accused of raping a woman on a Kennedy family estate, and Dershowitz frequently spoke to the media about the case. (Smith argued that the sex was consensual, and he was later acquitted.) In class, according to a second female student, who is now the chief executive of a nonprofit, "he would talk about Smith and the woman frolicking in the waves, ripping off their clothes." Midway through the semester, "a woman raised her hand and said, essentially, O.K., enough rape examples! There are women in this class who have been raped. Can we move on to something else?"

"His hair just caught on fire," Murph Willcott, a male student who was in the class during the confrontation, recalled. "He seemed to take that as a challenge to his authority, and he made it clear he was going to teach what he wanted to teach."

Dershowitz told *The New Yorker*, "There was a controversy in the class, and a very small number of students objected to the teaching." His intention, he said, was to play "devil's advocate" in order to challenge students' thinking. Dershowitz has not shied away from provocative ideas about sex and the law. In a 1997 op-ed in the *Los Angeles Times*, he argued against statutory-rape laws, writing, "There must be criminal sanctions against sex with very young children, but it is doubtful whether such sanctions should apply to teenagers above the age of puberty, since voluntary sex is so common in their age group." He suggested that fifteen was a reasonable age of consent, no matter how old the partner was. He has also argued against punishing men who hire prostitutes. In a 1985 article, in the *Gainesville Sun*, Dershowitz proposed that a john "who occasionally seeks to taste the forbidden fruit of sex for hire" should not be arrested. The nonprofit executive recalled his discussing the idea in class: "He said, 'Prostitutes know what they're doing—they should be prosecuted. But you shouldn't ruin the john's life over that.' If I had raised

my hand to challenge that, I would have been singling myself out as—God forbid—a feminist.”

When people at Harvard objected to Dershowitz’s views, he insisted that civil liberties were more important than political sensitivities. In April, 1991, Mary Joe Frug, a professor at New England Law, was murdered by a knife-wielding assailant near her house, in Cambridge. The following March, the *Harvard Law Review* published an article that she had been working on when she was killed, “A Postmodern Feminist Legal Manifesto,” which examined how law perpetuated the subjugation of women.

On the anniversary of Frug’s murder, the *Harvard Revue*, a spoof overseen by editors of the *Review*, published a parody, “He-Manifesto of Post-Mortem Legal Feminism.” The author, “Mary Doe,” was described as the “Rigor-Mortis Professor of Law.” The commentary, written in the first person, “was pieced together from scraps dictated to Eve XX, a telekinetic feminist, from beyond the grave.” The *Review* held its gala banquet that night, and left copies of the *Revue* on guests’ plates.

Liberal professors at the law school were outraged. Laurence Tribe likened the students who had written the spoof to Klansmen. He and David Kennedy signed a letter, along with a dozen other professors, decrying the law school’s atmosphere of “sexism and misogyny.” The students apologized, but the furor did not die down. In a column for the Los Angeles *Times*, titled “Harvard Witch Hunt Burns the Incorrect at the Stake,” Dershowitz acknowledged that the parody was “somewhat” offensive, but argued that the response indicated a systemic problem. “The overreaction to the spoof is a reflection of the power of women and blacks to define the content of what is politically correct and incorrect on college and law school campuses,” he wrote. “Radical feminists can accuse all men of being rapists, and radical African-Americans can accuse all whites of being racists, without fear of discipline or rebuke.”

Dershowitz often suggested that contention was an inevitable effect of protecting ideals. In “Taking the Stand,” he quoted a favorite passage from H. L. Mencken: “The trouble about fighting for human freedom is that you have to spend much of your life defending sons of bitches: for oppressive laws are always aimed at them originally.” In the early nineties, Dershowitz represented the Reverend Jim Bakker after he was convicted of defrauding parishioners, and the hotel baroness Leona Helmsley after she was convicted of defrauding tax authorities; he represented Michael Milken after he was convicted of

financial fraud. In a number of cases, he represented prominent men who had been accused of committing violence against women. He helped get O. J. Simpson acquitted in the killing of his wife; he represented Jeffrey MacDonald, a former Green Beret and doctor convicted of killing his wife and his two daughters, and Mike Tyson, who had been convicted of raping an eighteen-year-old contestant in the Miss Black America contest.

The victim in Tyson's case, Desiree Washington, claimed that he had brought her to a hotel room in Indiana and forced her to have sex. Dershowitz maintained that Washington had consented to a one-night stand, then tried to exploit it for money and publicity. In his appeal, he argued that the prosecution had improperly excluded testimony from witnesses who saw the two "necking" in Tyson's limousine before they went to his hotel room. "Desiree was hardly the naive virgin she pretended to be," he wrote in "Taking the Stand." Instead, she was "a sexually active young woman who hung out in nightclubs." In an interview with the *Toronto Star*, he said that after the incident Tyson had asked Washington, "Now do you love me? Do you want to spend the night?" Dershowitz added, "That doesn't sound like a rapist to me."

He was confident enough in his case to tell the *Star*, "Tyson is going to be the cutting-edge case defining the law of acquaintance rape probably for the next decade." In the end, though, the ruling went against Tyson.

Controversial as these kinds of cases were at Harvard, they raised Dershowitz's profile, and they were lucrative. As his fees continued to rise, he and his wife bought a million-dollar house in Cambridge.

Dershowitz likes to say that he met Jeffrey Epstein through his friend Lady Rothschild—the former Lynn Forester. In 1996, Forester (who actually had not yet married into the Rothschild dynasty) suggested that he would enjoy getting to know Epstein, an "interesting autodidact." Epstein, who had grown up in Coney Island and dropped out of college, was an unimposing person, described by one friend as "shy, weird, introverted." But he had luxurious houses, a private plane, and huge amounts of money to spend. He was friendly with many famous men and was drawn to intellectuals. Dershowitz, according to longtime friends, has an enduring fascination with fame, society, and wealth. Charles Fried, a distinguished jurist who taught with Dershowitz at

Harvard Law School, told me, “If you get a chance to go to fancy places with lots of rich people and fly around on private planes—I think he probably finds that hard to resist.”

Epstein flew to Martha’s Vineyard and visited Dershowitz, bringing a bottle of champagne. The two men found common interests, Dershowitz later recalled: “We talked about science, we talked about academia, we talked about Harvard.” Epstein, like Dershowitz, had come from a humble background. In the seventies, he had been a trader and a wealth manager at Bear Stearns, before leaving to start his own small firm. In the late eighties, he was hired as a financial adviser by the man he describes as his “mentor”: Leslie Wexner, the founder and chairman of L Brands, a consortium of retail companies that include Victoria’s Secret. Epstein has said that he refused to accept clients with less than a billion dollars in assets, but Wexner is the only client he has ever named.

In New York, Epstein lived in one of the city’s largest private homes: a seven-story mansion on East Seventy-first Street, overlooking the Frick. Wexner bought the building in 1989, and within seven years Epstein had taken up residence. “Jeffrey loved discussing how he got the mansion from Wexner for a dollar,” a former Epstein employee told me. (A source with knowledge of the deal said that the transaction involved millions of dollars, routed through a series of holding corporations.) Epstein used his mansion to establish a salon for scientists. “I’ve known a couple of billionaires in my life,” an occasional guest at gatherings there said. “They have their hobbies. Jeffrey’s was scientists. He liked to collect them.” He also held parties for many of New York’s most powerful finance executives and politicians.

Maria Farmer, who worked at Epstein’s mansion in those days, told me that there were often young girls around. An aspiring artist, she had been introduced to Epstein at a gallery downtown, where she was exhibiting her paintings. He bought one, insisting on a discount. Eventually, she agreed to work the door at his house, signing in tradesmen, decorators, and friends. Farmer said that new girls arrived every day, some of them wearing school uniforms. She recalls asking, “Why are all these girls coming and going?” She was told that they were auditioning for work as models for Victoria’s Secret.

In September, 1996, Epstein invited Dershowitz to meet Wexner, who was throwing a party for his fifty-ninth birthday. They flew together to New Albany, Ohio, where Wexner had a three-hundred-acre estate, with a Georgian manse for himself and a large house for Epstein. The guests, Dershowitz says, included John Glenn, the senator and

former astronaut, and the former Israeli Prime Minister Shimon Peres. Dershowitz quickly assessed his role: “I was Jeffrey Epstein’s intellectual gift to Leslie Wexner.”

Epstein thought of himself as a patron of academia, and was particularly drawn to Harvard. In 1990, he and Wexner had helped to fund a new building for Harvard Hillel. Epstein also funded research into the history of science, but he wanted to be more than a donor; he wanted to be a member of the community. By 1998, he was serving on the advisory board of the Harvard Society for Mind, Brain, and Behavior. After Lawrence Summers became president of the university, in 2001, Epstein flew him to the Virgin Islands on his plane.

In 2003, Epstein pledged thirty million dollars to Harvard to create the Program for Evolutionary Dynamics. He recruited Martin Nowak, a biologist from Princeton University, to lead it, and established offices for the program in a building in Brattle Square. On the top floor, Epstein organized discussions on science, psychology, and other subjects, inviting academics from Harvard and M.I.T. to attend. Dershowitz often participated; the two men were once photographed there, engaged in conversation, Epstein wearing a Harvard sweatshirt.

In the end, Epstein contributed only six and a half million dollars, according to the Boston Globe. But the money was understood at the time to be a first installment; Henry Rosovsky, the former dean of the Faculty of Arts and Sciences, said that he hoped Epstein would become “one of the leading supporters of science at Harvard.”

Dershowitz, who became a faculty affiliate of the program that Epstein funded, told a *Harvard Crimson* reporter that Epstein would “benefit Harvard in a lot of ways. He’s a lot more interesting than some traditional academics.” He called Epstein “brilliant,” and said that when they talked, debating mathematics, genetics, law, and psychology, “nobody finishes a sentence. We cut each other off all the time because we just get it.” Epstein, he later said, was the only person outside his family whom he trusted to evaluate drafts of his books. His wife once asked whether the friendship would endure if Epstein suddenly filed for bankruptcy. Dershowitz replied, “I would be as interested in him as a friend if we had hamburgers on the boardwalk in Coney Island and talked about his ideas.”

Epstein could be a loyal supporter. Early in their relationship, he contacted Orin Kramer, the founder of the hedge fund Boston Provident, and said that he wanted to invest several hundred thousand dollars from Dershowitz. It was a small sum for Kramer’s

fund, but Epstein, who had recently invested thirty million dollars in the fund, was a significant client. Kramer agreed to take Dershowitz's investment. The next year, after the fund sustained enormous losses, Epstein contacted him again and said, "One of us is going to make Alan whole—and if I have to do it, that is an outcome you will regret." Kramer was taken aback; Dershowitz had signed papers, which are standard among hedge-fund investors, acknowledging that his money was at significant risk. Ultimately, though, he agreed that he would personally restore Dershowitz's investment if Epstein left the remainder of the money he controlled in the fund. (Dershowitz says that he never heard that Epstein had made this call, and that he understood Kramer had restored his money because he felt a "moral obligation.")

On campus, Dershowitz was controversial for his increasingly hawkish views on Israel. At times, Epstein lent support against political enemies. In January, 2007, the evolutionary biologist Robert Trivers learned that he was to receive the prestigious Crafoord Prize in Biosciences, and Martin Nowak invited him to celebrate the occasion with a talk at the center that Epstein had funded, followed by a reception. That April, Trivers sent Dershowitz a letter criticizing his "rationalization of Israeli attacks on Lebanese civilians" the summer before, during Israel's conflict with Hezbollah. If Dershowitz persisted in this kind of argument, he wrote, he could "look forward to a visit from me. Nazis—and nazi-like apologists such as yourself—need to be confronted directly." Dershowitz called the Harvard police, and, in a *Wall Street Journal* op-ed, complained that "radical goons" had sent him "threatening messages."

On May 25th, the day of the party, Trivers was chatting with students when he got an urgent message from Nowak: he was cancelling the party, under orders from someone he would not identify, because Trivers had "called a Harvard professor a Nazi." (Nowak did not respond to requests for comment.) Trivers told me, "I had invited twenty people—there was no way to contact all of them. It was the most painful thing that had happened to me in academia." Trivers said that Epstein later acknowledged that he had made the call: "He apologized for having stopped my talk. So that actually formed a bond between Jeffrey and me."

In October, 2005, Epstein discovered that the Palm Beach police were investigating him for abusing underage girls, and he quickly called Dershowitz to ask him to coordinate the defense. Dershowitz later wrote, in an article for the American Bar Association, that he hesitated, since Epstein was an "acquaintance," and lawyers are cautioned against

representing people they know socially. But ultimately he agreed. He has since said that Epstein's case is the only one, out of more than two hundred and fifty in his career, that he regrets taking. Dershowitz told me that he was misled about the severity of the allegations. He said that Epstein had told him that "there were only half a dozen accusers who were under the age" and that "they slipped through the cracks—they presented fake I.D." He added, "When I later learned the extent of this, I was shocked."

The investigation of Epstein had begun in March, 2005, when two worried parents went to the Palm Beach Police Department. Their fourteen-year-old daughter had got in a fight at school, and, when the assistant principal was called in, she found more than three hundred dollars in the girl's purse. The girl told detectives that she had gone to Epstein's mansion to give him a massage, after a friend told her that he would pay. He ordered her to take off her clothes, and she said she stripped to her underwear and massaged him as he masturbated and used a vibrator on her, over her underpants. She cried as she described the incident.

The girl had been recruited by a community-college student, who told detectives, in a sworn interview, that Epstein paid her to bring him girls, "the younger the better." Epstein's former house manager, Juan Alessi, told police that Epstein had as many as three massages a day, and that toward the end of his employment, in 2002, the women giving them were "younger and younger."

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According to victims, Epstein's scouts were instructed to find girls who met his physical criteria—nymphishly thin, with no tattoos. He sent gifts to favorites: a bouquet of roses, a plane ticket, a car. He offered to pay for college, or ballet school, or courses at the Fashion Institute of Technology. In exchange, he made escalating demands. One woman, who began visiting the Palm Beach mansion when she was sixteen, said that Epstein urged her to free herself from her family and become his “sex slave.” He instructed her to have sex with a female assistant, whom he claimed he'd bought from her parents, in Yugoslavia, when she was in her early teens.

In New York, according to the Miami Herald, Epstein worked with a modelling agency owned by a friend to procure underage girls from abroad, providing them with housing and paying their visa fees. He had parties where girls were lent out during the evening. Some girls lived in apartments that he owned in a building on East Sixty-sixth Street. Others moved between his properties: the house in Palm Beach, a ranch in New Mexico, the mansion on the Upper East Side, and his private island. The girls weren't allowed to smoke, and their weight was monitored carefully. They were always on call.

Epstein's most steadfast companion was Ghislaine Maxwell—a dark-haired, ebullient woman who was a lively presence in New York's socialite scene. She was the daughter of Robert Maxwell, who had built a publishing empire and a career in British politics; in 1991, he was found dead in the ocean near the Canary Islands, having apparently fallen from his yacht, the *Lady Ghislaine*. (Afterward, his businesses were discovered to be riddled with financial improprieties.) Ghislaine Maxwell was nine years younger than Epstein, and girls in his inner circle said that she was intensely devoted to keeping him content. Maria Farmer, who worked the door at the New York mansion, recalled that Maxwell often greeted her in the morning by saying, “I have to get some girls today for Jeffrey.” Farmer added, “She was literally driving around New York City, or walking in Central Park, looking for young girls to bring back.” (Maxwell has denied any impropriety.)

One of the women who say that they were recruited by Maxwell was Virginia Roberts Giuffre. In a series of conversations with me during the past year, she described her experience. In 2000, Giuffre, then not quite seventeen, was outside Mar-a-Lago, Donald Trump's resort in Palm Beach, where she had recently got a job as a locker-room attendant. Maxwell, pulling out of the parking lot in a chauffeured car, spotted her and told the driver to stop. Giuffre was reading a book about anatomy and massage therapy.

“This nice older lady came up to me,” she recalled. “She had an awesome English accent, and she started conversing with me about what I was reading. She said, ‘Wow, you’re really interested in massage. That’s so interesting! Because I actually know somebody who’s looking for a travelling masseuse.’ ”

Giuffre became a regular presence at Epstein’s Palm Beach mansion and often went with him to New York. She learned that she was to have sex with him several times a day, sometimes along with Maxwell and other girls. After several months, her duties increased. In a court document, she stated that she was “required to be sexually exploited by Defendant’s adult male peers, including royalty, politicians, academicians, businessmen.” She told me, “Ghislaine would say, ‘We want you to please these men in whatever way they want, I don’t care how gross or kinky it is.’ ” Epstein wanted her to report back about what the men liked. Giuffre told me that a video-recording system had been installed in the New York mansion, and she was convinced that Epstein was gathering information to use for leverage on the men. Doctors were on call to treat her and the other girls, and Giuffre remembered that Epstein would tell his friends that “we were clean, we’re tested regularly, we’re on birth control, no need to use a condom.”

Many of the girls came from troubled backgrounds. “These are not kids that he picked up from an Ivy League school,” Giuffre said. “He picked vulnerable victims.” Giuffre told me that she was sexually abused by a family friend when she was very young. By the time she was thirteen, she was living on the streets, where she was abused by older men. Life with Epstein provided a kind of security; he paid her, got her an apartment, and took her to New Mexico, London, Paris, Tangiers, and his island. When she was dismayed by her life, she said, she “self-medicated” with Xanax. She was afraid of what Epstein would do if she left. “I wasn’t chained to a sink—but they had an invisible chain for me. I know he had power,” Giuffre said. “He was constantly telling me, ‘I own the police department—I have friends that owe me favors.’ ”

The detectives pursuing Epstein in Palm Beach believed that they had a strong case; they had interviewed numerous underage victims who seemed credible. The police chief, Michael Reiter, recalled in a deposition that when he discussed the investigation with the state’s attorney, Barry Krischer, “he said, ‘Let’s go for it, this is an adult male in his fifties who’s had sexual contact with children.’ ” But once Dershowitz got involved, Reiter said, “the tone and tenor of the discussions of this case with Mr. Krischer changed completely.”

Detective Joseph Recarey, the lead investigator, later testified about a meeting he had attended with Dershowitz and Krischer. Dershowitz presented a selection of posts from MySpace, in which the girls recounted experiences with alcohol or marijuana. Recarey recalled that Dershowitz set forth the posts as evidence that the girls were “not to be believed.”

Reiter said in a deposition that he and Recarey were under constant surveillance for months. Their movements were tracked and their trash was searched. Reiter also testified that Dershowitz had contracted private investigators to look into his background. (Dershowitz and Epstein deny any involvement in this.)

Dershowitz focussed especially on a young woman, identified in the police report as A.H., who had given some of the most damaging testimony against Epstein. A.H. told Recarey that she had started going to Epstein’s house in 2003, when she was sixteen—she was saving up for a camping trip to Maine, and a friend said she could make two hundred dollars fast—and she had become his “favorite.” At times, Epstein photographed her naked. (He often took nude pictures of girls and displayed them around the house.) He sent roses when she starred in her high-school play. She had set a rule with Epstein that they wouldn’t have intercourse, but one day he pushed her down and forcibly penetrated her. She rebuffed him—“What are you doing?”—but she kept coming to see him. “You know what he promised me?” she told Recarey. “That I would get into N.Y.U., and he would pay for it. And I waited and I waited and I scored great on my SATs, and I got a 4.0. . . . I think that has a lot to do with the reason I stayed there so long. ‘Cause my dream was like right in front of me, you know?”

Dershowitz sent Recarey a letter about A.H., containing what he described as a “troublesome and telling illustration of her character.” He said that he had sent two investigators to speak with her, instructing them to take notes, “because we feared that she, an accomplished drama student, might try to mislead them as successfully as she had misled others.” The investigators, he continued, were “quite shocked at the overwhelming, non-stop barrage of profanity . . . from what initially appeared only to be a young woman of slight build and soft demeanor.” He also enclosed snippets from A.H.’s presence on social media. “She, herself, has chosen to go by the nickname of ‘pimp juice’ and the site goes on to detail, including photos, her apparent fascination with marijuana,” Dershowitz wrote. (Dershowitz denies gathering information from social media, and says that the letter was composed by someone else in his office, although it

bears his signature and is written in the first person.) He suggested that her claims about Epstein were motivated by a desire for money. He publicized the accusations in the *Daily Mail*, saying that A.H. “had a long record of lying, theft, and blaming others for her crimes.”

In June, 2006, a grand jury called by Krischer, the state’s attorney, charged Epstein with one count of soliciting prostitution—with no mention of underage girls. There was no requirement that he register as a sex offender and no mandatory jail time. To Epstein, leniency seemed appropriate; he once likened his offense to that of “a person who steals a bagel.”

But Reiter felt that the charges were insufficient. He requested a federal investigation, and the F.B.I., in a fourteen-month inquiry called Operation Leap Year, identified at least thirty-four victims of Epstein. Prosecutors prepared a fifty-three-page indictment, which could have resulted in a life sentence. Dershowitz argued that federal prosecution was unjustified. In July of 2007, he and another defense lawyer also wrote to prosecutors, “As we believe we persuaded you . . . Mr. Epstein never targeted minors.” Epstein’s lawyers reportedly said that he was being unfairly pursued because of his wealth.

During the next two months, Epstein’s team negotiated for a better deal with the U.S. Attorney in Miami, Alexander Acosta, who went on to become the Secretary of Labor in the Trump Administration. They arrived at a “non-prosecution agreement,” in which the federal government would throw out its indictment if Epstein pleaded guilty to two state felony charges for solicitation of prostitution, one involving a minor. The deal had two unusual facets. It contained a provision granting immunity to “any potential co-conspirators”; and it was made without informing Epstein’s accusers, a violation of the Crime Victims’ Rights Act. (Dershowitz said, “I was not directly involved in any decision not to inform the victims. That was not my responsibility.”)

On June 30, 2008, Epstein pleaded guilty. He was given a brief sentence: eighteen months in a county jail, with access to a lenient work-release program. Six days a week, he was allowed to leave for an office nearby, where he received visitors—including, one deputy recently told the Associated Press, a number of young women. While Epstein was in jail, a friend asked what he was reading. “*De Profundis*,” he replied, referring to the letter Oscar Wilde wrote from prison to his lover Lord Alfred Douglas.

After thirteen months, Epstein was released. At his mansion in New York, he had a mural painted of himself in jail, telling visitors that it was a reminder that he could always go back.

Dershowitz says that after Epstein got out of jail they no longer socialized. He sometimes still visited the mansion on East Seventy-first Street, but only to offer legal advice. Epstein resumed his meetings with academics at the Brattle Square office, and, although Lawrence Summers and Henry Rosovsky attended at least once, Dershowitz did not.

The victims, too, wanted to distance themselves from Epstein. Virginia Giuffre had left his orbit in 2002, soon after she turned nineteen. Maxwell and Epstein had agreed to send her to Thailand for a three-week course in massage, and arranged for her to bring back a young girl for Epstein. There, Giuffre met an Australian man, Robert Giuffre, who was on vacation. They fell in love, and were married ten days later.

For five years, Giuffre had no contact with Epstein or Maxwell. She and her husband moved into a house outside Sydney; they had two children, and Giuffre got pregnant again. Then, one afternoon, she answered her cell phone and heard Maxwell's exuberant voice: "Hi, how's life?" Maxwell told her that Epstein was being investigated, and that if she refused to cooperate with police she'd be "taken care of." Giuffre told me that she declined the offer, but reassured Maxwell that she wouldn't speak to anyone; a few days later, Epstein and his lawyer called to hear her say it directly. She was frightened that they had been able to track her down. "I wanted to start a brand-new life with my husband," Giuffre said. "And when Ghislaine and Jeffrey called it was, like, Oh, my God, this isn't going to go away. That is when I started having to deal with the past."

In September, 2008, Giuffre got a letter from the U.S. Department of Justice, informing her that, as a victim of Epstein's, she was entitled to sue him for damages. Giuffre engaged a Miami lawyer named Katherine Ezell, and the following May she sued Epstein, as Jane Doe 102. Epstein eventually settled her suit, paying an undisclosed sum, but the story persisted.

In February, 2011, Giuffre heard from Sharon Churcher, a reporter for the *Mail on Sunday*, inquiring about her time with Epstein. Churcher asked if she had any way to substantiate her story. Giuffre had a picture of her posing with Prince Andrew, the Duke

of York. “She literally was on the plane the next day,” Giuffre told me. (The *Mail on Sunday* later paid her a hundred and forty thousand dollars for the use of the photo and twenty thousand for giving interviews.) Churcher was the first journalist she had ever met, and, Giuffre said, “I felt like we were buddies.” As Churcher showed her pictures of prominent men in Epstein’s circle, Giuffre identified some of those she’d had sex with.

The next month, the *Mail on Sunday* published a series of articles, focussed on Prince Andrew, which brought new attention to the case. Two F.B.I. agents contacted Giuffre, saying that they wanted to reopen the investigation, and they soon came to Australia to hear her recount her experience. The story also attracted the notice of lawyers working with other Epstein victims. That spring, Giuffre got a call from Bradley Edwards, an attorney in Florida. He explained that he was working with Paul Cassell, a University of Utah law professor and a former federal judge, on a suit that might overturn the non-prosecution agreement, allowing a new inquiry into Epstein’s case. He asked if she would talk about her experience.

In December, 2014, Giuffre set up a foundation, Victims Refuse Silence, to help survivors of sexual abuse and trafficking. The same month, she filed a motion to join the suit. She claimed that Epstein had abused her, and had trafficked her to powerful friends. She named three: Jean-Luc Brunel, a modelling agent; Prince Andrew; and Alan Dershowitz. She asserted that she’d had sex with Dershowitz at least six times, in Epstein’s various residences, on his island, in a car, and on his plane. When I asked why she had decided to name Dershowitz, she said, “Jeffrey got away with it, basically. And Dershowitz was one of the people who enabled that to happen.” She went on, “Dershowitz thinks he’s a tyrant and can get away with anything. And I wanted to say, I might be as meek as a mouse, but I’m going to hold you accountable.”

After Giuffre’s claims became public, Buckingham Palace “emphatically denied” the allegations about the Duke of York. Brunel issued a denial. Dershowitz began an urgent campaign to clear his name, which has lasted almost five years. Starting in January, 2015, he made a series of television appearances to dispute Giuffre’s claims. Using some of the same language that he had employed to describe Epstein’s victims a decade earlier, he called her a “serial liar,” a “prostitute,” and a “bad mother,” who could not be believed “against somebody with an unscathed reputation like me.” He insisted that Giuffre had “made the whole thing up out of whole cloth,” in search of “a big payday.” When a TV

reporter in Miami questioned his characterization of Giuffre, a sex-abuse victim, as a “prostitute,” Dershowitz replied, “She made her own decisions in life.”

At Harvard, thirty-eight of Dershowitz’s fellow-professors signed a letter supporting his right to defend himself. Among themselves, they debated whether the allegations could be true, and whether he was employing the right strategy. “I know a little bit about his private life—not much,” Charles Fried said. “I think he’s very much a family man. I was inclined to believe him. But you know the old saying—you lie down with dogs, you get up with fleas. Epstein is a very hard client to represent without getting smudged in that way. It can be done—but that requires a little more distance and discipline, and also a willingness to eschew fun, than Dershowitz perhaps is willing to show.”

Fried noted that, when Giuffre made her claims about Dershowitz, “he responded in typical Dershowitz fashion: Attack! Attack! Attack! He made her the defendant, and he attacked. And I think that probably had some effect.” But other peers of his think that his insistence on winning the case in the court of public opinion has had disastrous results. “He created the issue by his attacks on Virginia Giuffre,” a longtime colleague said. “It would have been better to let the allegation die of its own weight.”

In media appearances, Dershowitz argued that Giuffre’s lawyers, Edwards and Cassell, had conspired with her to fabricate testimony that would negate Epstein’s non-prosecution agreement. “If they could find a lawyer who helped draft the agreement who also was a criminal having sex—wow, that could help them blow up the agreement,” he told CNN. “So they sat down together, the three of them, these two sleazy, unprofessional, disbarable lawyers . . . they said, ‘Who would fit into this description?’ . . . They and the woman got together and contrived and made this up.” He declared, “The end result of this case should be she should go to jail, the lawyers should be disbarred, and everybody should understand that I am completely and totally innocent.” The case had continued, he suggested, only because Edwards and Cassell were “prepared to lie, cheat, and steal.” Noting that Giuffre had made her allegations in a statement, rather than in a sworn affidavit, he said that her lawyers had encouraged that choice, “because they know if they submit a sworn affidavit they would go to jail.”

Soon afterward, Giuffre submitted a sworn affidavit. “I have recently seen a former Harvard law professor identified as Alan Dershowitz on television calling me a liar,” she

wrote. “He is lying by denying that he had sex with me. That man is the same man that I had sex with at least six times.” When I talked with her, she suggested that Dershowitz had made a tactical mistake by attacking her so persistently. “The ‘bad mom’ thing actually hurt the worst,” she said. “I love my children more than I love my own life.”

Edwards and Cassell, who strongly denied Dershowitz’s claims, sued him for defamation in January, 2015, and Dershowitz countersued. Giuffre became a witness. She was represented, pro bono, by David Boies, of Boies Schiller Flexner, and by his partner, Sigrid McCawley.

Dershowitz and Boies have known each other since they were young lawyers, when Dershowitz was teaching at Harvard and Boies was at Cravath, Swaine & Moore. Boies is among the highest-paid trial lawyers in America, a skillful courtroom tactician with a keen instinct for public opinion. For decades, he has cultivated a reputation as a defender of principle. He represented CBS in a major First Amendment case, prosecuted Microsoft for antitrust violations, and fought for marriage equality in *Hollingsworth v. Perry*, the landmark suit in California.

But Boies has also damaged his reputation by using strikingly aggressive tactics. In 2011, he agreed to represent Theranos, a startup that claimed to have pioneering blood-test technology; he later served on the company’s board. When the *Wall Street Journal* pursued an exposé of Theranos’s deceptive business practices, Boies vehemently warned against publishing the article, and worked to silence whistle-blowers within the company. (He maintains that he was protecting his client’s intellectual property, and that he did not try to impede publication.) Boies stopped representing Theranos in the fall of 2016, but remained on the board for another half a year. In March, 2018, the Securities and Exchange Commission charged the company’s founder with coordinating a “massive fraud” that misled investors and patients. In October, 2017, this magazine and the *Times* were investigating accusations of sexual abuse against Harvey Weinstein, who was Boies’s client. Boies’s firm hired Black Cube, a private intelligence company run by former Israeli military operatives, to disrupt the reporting. In the process, Black Cube operatives impersonated a source and assumed other false identities to gather information on the reporters. (Boies said that he regrets not supervising Black Cube more closely.)

In the summer of 2014, Boies, who has described courtroom proceedings as “essentially morality plays,” met with Giuffre and vetted her story. She was an imperfect witness. She had used drugs throughout the time she was with Epstein, and she acknowledged being hazy on dates. She initially recalled that she started working at Mar-a-Lago when she was almost sixteen, but employment records showed that she started a year later—meaning that she had been underage for less than a year of the time in which Epstein lent her to his friends. Yet Giuffre maintained that she never forgot the faces of the men she had sex with. At thirty, she was plainspoken and direct, with a quiet self-assurance that seemed hard-won. “She didn’t try to pretend she was perfect, didn’t try to give a constructed narrative,” Boies told me.

Dershowitz presented his own difficulties as a witness. When taped depositions began, in October, 2015, he often refused to answer questions, delivering long soliloquies and furious denunciations. Even his own lawyer tried at times to restrain him. Eventually, a special master, a kind of referee, was appointed to help control the proceedings. The special master repeatedly admonished Dershowitz (“Mr. Dershowitz, I’m going to ask you to stop”), and struck some of his testimony from the record.

Dershowitz argued that he was being used as a “stalking horse”: Boies’s real goal, he said, was to use him as an example to frighten Leslie Wexner into paying a large settlement. He insisted that he had never met Giuffre, that he had never seen photographs of naked girls in Epstein’s house, and that he had never seen Epstein with underage girls; if he had, he would have reported him to the authorities. Giuffre was a “serial liar,” he said—nothing she said could be believed.

In cases of sexual abuse, one important legal standard is “contemporaneous outcry,” in which victims disclose attacks to people they trust, soon after the event. Giuffre, like many of the other women around Epstein, describes herself as isolated, and says that she was discouraged from speaking with the girls who came and went from Epstein’s homes. But she has said that she talked about Dershowitz with Tony Figueroa, her boyfriend during the time she was with Epstein. Giuffre described calling him from the island and complaining of being obligated to “have sex with O. J. Simpson’s lawyer.” In January, 2016, two attorneys working with Dershowitz tracked Figueroa down to secure an affidavit that would preempt any such testimony. “Virginia only once mentioned Alan Dershowitz,” it read. “I remember she described Mr. Dershowitz as ‘O. J. Simpson’s

lawyer.’ She did not say she ever had any physical contact with him.” Figueroa, who has been arrested several times on minor drug charges, signed the document.

Dershowitz also gathered evidence from phone calls with Rebecca Boylan, a girlhood friend of Giuffre’s. In a transcript that he introduced during a deposition, he informs Boylan that he’s turning on a tape recorder and asks her to “please repeat what you told me previously.” Boylan says that Giuffre was pursuing Dershowitz only under pressure from lawyers, and that “I’ve never heard her mention you as [sic] when we were kids.” Dershowitz says, “I’m now turning off the tape recorder. Thank you so much.” Giuffre said that Boylan agreed to the call after they had a falling out. Dershowitz said that Boylan contacted him, unprompted, because she was “horrificed by what was happening to me.” (Boylan did not respond to requests for comment.)

Dershowitz told me that he wanted the case to go to trial. But, in December of 2015, he e-mailed Boies to discuss a settlement—on the condition that Giuffre acknowledge that her accusation could have been a mistake. He wrote, “We should be aiming at a short simple statement such as: ‘The events at issue occurred approximately 15 years ago when I was a teenager. Although I believed then and continued to believe that AD was the person with whom I had sex, recent developments raise the possibility that this may be a case of mistaken identification.’ ”

In April, 2016, the case settled, with no such statement. The press reported that the agreement included a financial arrangement, implying that Giuffre’s team had paid. In fact, Dershowitz’s insurance company had paid Giuffre’s lawyers. (In negotiations, the parties had discussed a figure of nearly a million dollars, with fifty thousand going to Dershowitz, which would allow him to claim a payment. The final amount has not been disclosed.) Dershowitz also got a valuable concession: Edwards and Cassell agreed to release a statement saying that it was “a mistake to have filed sexual misconduct accusations against Dershowitz.” As the statement circulated in news reports, Edwards and Cassell rushed to clarify that they had committed a “tactical” mistake. They had attached Giuffre’s filings to a case centered on Epstein, not on Dershowitz; because the filings were not directly relevant, the judge had struck them from the record. Dershowitz, in interviews, ignored this interpretation and said that he hoped that Giuffre would be investigated for perjury. The previous fifteen months, he said, had been like “being waterboarded.”

Dershowitz was free of the lawsuit, but his public stature was diminished. He had retired from Harvard Law School in 2013, at seventy-five, and he was finding media invitations elusive. His latest book, “Electile Dysfunction,” attracted little interest. He made frequent appearances on Newsmax, the conservative news outlet. Dershowitz remained preoccupied with Giuffre’s allegations. In late 2016, he complained to *Boston* magazine that, as a result of her claims, he had lost two clients and had stopped getting requests to accept honorary degrees. Before an appearance at Johns Hopkins, he was greeted by women wearing duct tape over their mouths, holding signs that read “You Are Rape Culture.”

With the election of Trump, though, he became a regular guest on Fox News, sometimes appearing several times a week, to accuse the President’s antagonists of misreading the law. After Trump fired the F.B.I. director James Comey, Dershowitz went on “Fox & Friends” and dismissed accusations of obstruction of justice. And when Robert Mueller was appointed special counsel Dershowitz voiced his opposition, arguing that a special counsel had too much power. Dershowitz was often introduced as an impartial arbiter—a Democrat who happened to feel that Trump had been mistreated. It helped that he had been arguing against special counsels at least since 1998, when he wrote “Sexual McCarthyism,” a book protesting the investigation of Bill Clinton. He also noted frequently that he had voted for Hillary Clinton in 2016, and insisted that his interest was nonpartisan. “I’m going to speak out on civil liberties,” he told Tucker Carlson, on Fox News. “And sometimes it’s going to help Trump. Sometimes it’s going to hurt him.” Civil liberties were “more important than politics,” he declared. Carlson replied, “Well, God bless you.”

At times, Dershowitz’s defense of Trump put him in conflict with old comrades. In April, 2018, he accused Mueller, with no apparent evidence, of complicity in one of the worst scandals in F.B.I. history, in which four men in Boston were wrongly imprisoned for murder, in 1968, based on false testimony from a mafioso who was also an informant for the Bureau. In a radio interview, Dershowitz said that Mueller, who had worked in the U.S. Attorney’s Boston office, had “kept four innocent people in prison for many years.” The allegations echoed across the right-wing media, with statements from Sean Hannity and Rush Limbaugh, and Dershowitz called for an investigation by the Justice Department’s inspector general. As it happened, Nancy Gertner had been the presiding judge in the most expansive lawsuit in the case, in which representatives of the four framed men sued the federal government. On April 18th, she published an Op-Ed in

the *Times*, noting that, in thousands of pages of court records, “there is no evidence that the assertion is true.” Gertner told me that she was dismayed by Dershowitz’s recent appearances: “He has squandered his position as a Harvard law professor and a civil libertarian—for the sole purpose of being on TV.”

Some of Dershowitz’s most striking statements came during Brett Kavanaugh’s Supreme Court confirmation hearings. When Christine Blasey Ford accused Kavanaugh of assaulting her at a high-school party, Dershowitz complained on “Fox & Friends” that other commentators were endorsing her claims without sufficient evidence. “You’ve never met her!” he said. “Are women born with a special gene for telling the truth and men with a special gene for lying?” In another appearance on the show, he mocked his opponents in the argument over Kavanaugh: “ ‘We know he’s guilty because he’s a white man. She’s a woman, she’s a survivor—that’s the end of the inquiry.’ ”

This January, Dershowitz was on Fox News, discussing the Mueller investigation, when the host asked solicitously about the accusations against him. Not long before, the Miami *Herald* had published a deeply reported three-part series, by Julie Brown, that offered new details on Epstein’s case and the negotiations that led to his deal. Dershowitz seemed eager to answer the question. “There are e-mails so far that are secret, but that prove not only that I was framed but who framed me,” he said. “Have me back on the show when the e-mails come out. Boy, it will be so interesting—because there will be prominent people in handcuffs.”

Dershowitz has spoken frequently of having incontrovertible proof that Giuffre is lying. “I don’t think anybody in the history of law has ever been able to prove a negative so persuasively, by so much documentary evidence, as I have,” he told *The New Yorker*. His evidence, though, often leads to further disputes. He has pointed to an unpublished memoir by Giuffre, saying, “In her manuscript, she says she never had sex with me.” She does not say this. In the memoir, Dershowitz appears in only one passage: He knocks on the door of a bedroom where Epstein has just finished having sex with Giuffre, and Epstein invites him in for a discussion. Giuffre writes, “Alan’s taste for the young and beautiful was the bias [sic] for a blooming business relationship between him and Jeffrey.”

Dershowitz also points to e-mails that Giuffre sent to the reporter Sharon Churcher, several months after their meeting, as she was drafting the manuscript. When Giuffre

asked for help reconstructing the list of men she had compiled from looking at photographs, Churcher mentioned Dershowitz, writing that she and others suspected him of sexual misconduct, “and tho no proof of that, you probably met him.” Giuffre told me, “I can’t say what she was thinking, but I think she threw Alan into it forgetting that I had already mentioned him, even informed her of the experiences I had with him.”

When Giuffre’s allegations first became public, the *Daily News* quoted Dershowitz as saying that he never had a massage at Epstein’s home. After the story came out, he quickly asserted that he did have a massage there—though he said that it was given by a “fifty-year-old Russian woman named Olga,” and added, “I kept my underwear on.” In any case, he says, during the years that Giuffre lived with Epstein, he never met her; his travel records demonstrate that it was impossible. I examined the records for a few hours, though I wasn’t allowed to copy them. Every day had been accounted for, and in most cases there was documentation—a credit-card bill, a public appearance. But some of the dates were supported by only a handwritten datebook entry (“New York”), or by a telephone call from a landline, which could have been made by anyone at the address. And Dershowitz lived in New York from September, 2000, to June, 2001, when Giuffre was often with Epstein at his mansion. His schedule contains notations about meetings with “Jeffrey.”

In 2015, Dershowitz hired a security firm, led by the former F.B.I. director Louis Freeh, to look into Giuffre’s claims. Dershowitz provided a one-page summary of the inquiry, which said that investigators had “found no evidence to support the accusations.” The summary notes that Giuffre described seeing Al Gore and Bill Clinton on Epstein’s island, and said that Secret Service records showed no evidence of such a visit. (Gore and Clinton deny visiting the island, although Clinton has acknowledged taking multiple trips on Epstein’s plane.) The summary points to no other specific discrepancies. When *The New Yorker* asked Dershowitz to see supporting documentation for the report, he said that he didn’t have it; Freeh’s firm did not respond to requests for substantiation. Giuffre told me that Freeh’s investigators had never interviewed her.

Dershowitz has frequently argued that Giuffre never accused him until Edwards and Cassell manipulated her to do so, in 2014. (He pointed me to an F.B.I. report, detailing agents’ interviews with Giuffre from 2011, and said that it proved that she didn’t mention him. I obtained a copy; the majority of it is redacted, including a list of individuals Giuffre identified from photographs.) Giuffre says that she named

Dershowitz in 2009, to Katherine Ezell, the attorney in Miami. Ezell declined to comment, but in depositions from the time she questions witnesses about Dershowitz's visits to Epstein's house. Dershowitz says that Ezell's supervisor, Robert Josefsberg, assured him that no one had made any accusations against him in those years. But Josefsberg told me, "I have never told Alan Dershowitz—or anyone else—what this client or any other client has told me. He is wrong."

Dershowitz has also claimed that Boies must have known that his client was lying. He cites a telephone call, apparently recorded in secret, in which he and Boies discuss the possibility of settling the defamation suit. Dershowitz allowed me to listen to it, again refusing to let me make a copy. The recording has frequent stops and starts, and in many places is unintelligible. Dershowitz emphasizes a passage in which Boies imagines a conversation with Giuffre: "We know you believe that you had relations with Professor Dershowitz. . . . We have now reviewed the documentary evidence, and we are convinced that your belief is wrong." Boies told me that the conversation was hypothetical—a way of exploring how he might persuade an aggrieved client to accept a settlement, if Dershowitz could offer definitive proof. He also showed me an e-mail that he sent to associates afterward, speculating that Dershowitz had intended to gather evidence: "From the way he kept trying to put words in my mouth, I suspected he was taping the call."

This March, Dershowitz sent Giuffre and Boies a message on Twitter, seemingly trying to provoke a confrontation. "I challenge my accusers to tweet a direct accusation against me so I can sue them for defamation," he wrote. "They won't because they know they made up the story for money." Dershowitz argued that, by not making allegations in public, Giuffre and Boies were taking advantage of a legal principle known as the litigation privilege, which forbids defamation suits based on court testimony. Journalists, however, are permitted to report on that testimony—which can provide a canny lawyer with a safe way to release contested information to the public.

By the time Giuffre made her allegations about Dershowitz, she could no longer sue him for having abused her as a minor; the statute of limitations had expired. Dershowitz once offered during an interview to waive any statute that prevented Giuffre's claims from being tested in court—but when her lawyers asked him to waive it to allow a civil suit, he refused. The only way for Giuffre to test her allegations in court was in a defamation suit.

In 2015, when Giuffre's allegations against Ghislaine Maxwell and Epstein became public, Maxwell called them "obvious lies." In September, Boies and McCawley filed a defamation suit against Maxwell on Giuffre's behalf, in the Southern District of New York. The judge, Robert Sweet, suggested that the scope of the case extended beyond Giuffre's claims about Epstein and Maxwell; it dealt, he wrote, with "a range of allegations of sexual acts involving plaintiff and non-parties to this litigation, some famous, some not." Maxwell settled just before a trial was to begin, in May, 2017. The amount was undisclosed, but Giuffre reportedly received a multimillion-dollar settlement.

The allegations in the Maxwell case did not leak to the press; Judge Sweet sealed all the documents. Among them was a sworn affidavit filed by a British-South African woman named Sarah Ransome, who joined the case as Jane Doe 43, and was represented, pro bono, by Boies and McCawley.

I recently spoke with Ransome, who is now thirty-four. She is voluble—"I'm South African, I'm not a wallflower"—but, she says, still deeply affected by her experience with Epstein. "The trauma I have gone through in the last ten years I wouldn't even wish on Jeffrey and Ghislaine," she said.

Ransome was introduced to Epstein in September, 2006, when she was twenty-two. She had gone through a painful breakup, and had dropped out of college in Edinburgh, because she couldn't afford the tuition. She decided to spend most of her remaining money on a flight to New York. "At twenty-two, you're so naïve," she said. "But I was in New York to make friends, to get over heartbreak, to try to get an education. You know, it's the land of dreams." Soon after she arrived, a new friend introduced her to Epstein, describing him as a philanthropist who used his wealth and his connections to help poor young women—if they gave him massages.

As the massages turned sexual, Ransome said, she was given the use of a huge apartment in Epstein's building on the Upper East Side, along with a cell phone, a car-service account, and money for living expenses. Ransome said that she dreamed of studying at the Fashion Institute of Technology, and that Epstein and Maxwell promised to arrange her admission. For Ransome, as for the other women, these benefits depended on her having sex with Epstein and with his friends. In her affidavit, she named Dershowitz as one of those friends.

Ransome was another imperfect witness. In the fall of 2016, she had suggested to the New York *Post* that she had sex tapes of half a dozen prominent people, including Bill Clinton and Donald Trump—but couldn't provide the tapes when asked. (Ransome told me that she had invented the tapes to draw attention to Epstein's behavior, and to make him believe that she had "evidence that would come out if he harmed me.") In 2017, Boies represented Ransome in a lawsuit against Epstein for sex trafficking; last December, Epstein paid an undisclosed sum to settle. In a hearing, Maxwell's lawyer mentioned Ransome's allegation about Dershowitz, and the comment leaked to the press. Protected by the litigation privilege, it was reported in the *Daily News*, under the headline "SECOND WOMAN CLAIMS BILLIONAIRE PERV JEFFREY EPSTEIN 'DIRECTED' HER TO HAVE SEX WITH ALAN DERSHOWITZ."

Dershowitz denied that he had ever met Ransome. "The villain here is David Boies, who is exploiting a crazy woman in order to get revenge against me," he told the *Daily News*. He explained to me that he had filed charges against Boies and McCawley with the bar associations of New York, Florida, and Washington, D.C., registering a range of complaints. In them, Dershowitz again accused Boies and his associates of plotting extortion and encouraging perjury. He also argued that, in early 2015, a partner in Boies's firm had discussed representing him and had accepted a document outlining his strategy—even though the firm was already representing Giuffre. (Boies denied any impropriety, noting that the firm had more than three hundred lawyers and that his representation of Giuffre was closely held at the time.)

Dershowitz claimed that Boies had advanced Ransome's case in order to force him to abandon his complaints. "He threatened me that unless I withdrew the bar charges he would find somebody else to accuse me," he said. But Boies had agreed to represent Ransome in January, 2017, seven months before Dershowitz filed the charges. In any case, the judgments in all the bar complaints went against Dershowitz. In New York, the Grievance Committee for the Ninth Judicial District informed Boies's firm that "the Committee determined that there was no breach of the Rules of Professional Conduct on your part. Accordingly, the complaint was dismissed."

On July 6th, Epstein landed his private jet at Teterboro Airport, in New Jersey, returning from a trip to France. When he emerged from the plane, law-enforcement agents were waiting. He was taken into federal custody—part of an effort, led by the Southern District of New York, to revive his prosecution, based on new

charges. That day, investigators broke open the door of his mansion on East Seventy-first Street and searched the interior. In a safe, they discovered a trove of pictures of naked young women. There were also piles of cash and an expired passport that contained Epstein's photograph alongside an assumed name, with the country of residency listed as Saudi Arabia.

As reports of Epstein's arrest spread, more than a dozen women came forward to say that he had abused them, too. There was new scrutiny of the non-prosecution agreement, which Alexander Acosta had granted in 2008. Amid public outrage, Acosta resigned as Secretary of Labor. Speaking in his own defense, he argued that the agreement had been more stringent than what Barry Krischer, the state's attorney, had recommended.

This was a backhanded tribute to Dershowitz and Epstein's other defenders: without their legal efforts, Krischer would probably have recommended more significant charges. But Dershowitz was distancing himself from the case. In March, when reporters outside a court hearing asked him if he was still in touch with Epstein, he'd said, "You never stop being someone's lawyer. I'll always take his call." Now he told NPR, "I have no relationship with him."

On April 16th, Giuffre sued Dershowitz for defamation. Dershowitz said that he was eager for the fight, telling the *Daily News*, "This is the opportunity I've been looking for." In June, however, he filed a motion to dismiss Giuffre's complaint, along with a motion to disqualify Boies's firm from representing her. In mid-July, he went on Laura Ingraham's show, on Fox News, to assail Boies. "I have had sex with one woman"—his wife—"since the day I met Jeffrey Epstein. I challenged David Boies to say under oath that he's only had sex with one woman during that same period of time," Dershowitz said. "He has an abnormal amount of chutzpah to attack me and challenge my perfect, perfect sex life during the relevant period of time."

Dershowitz told me, "I have to be able to continue to defend myself in the court of public opinion. I need to be able to defend myself on television, to publicly declare the truth." But some media outlets no longer welcomed him. On "The View," the co-host Meghan McCain said, "I also don't think people like Alan Dershowitz should be on TV right now, while they're being accused of being involved. A lot of people have a lot to answer for."

Dershowitz responded with a column on Newsmax: “In 2008, according to the New York *Times*, Meghan McCain’s own father—the late great Senator John McCain—was accused of sexual misconduct for an alleged relationship with a lobbyist 30 years his junior. I do not recall Meghan McCain calling for her father to be barred from television.” In fact, the *Times* had reported no accusation of sexual misconduct—just McCain aides’ unconfirmed speculation about an affair. During the spring and summer, as Dershowitz pressed his position, even some old allies were taken aback by his rhetoric. At one point, Epstein reacted to his statements in the news by e-mailing a friend, “Dershowitz is out of his mind.”

If the case goes to court, it may reveal substantial new information. Both Dershowitz and Giuffre will be able to subpoena witnesses; they will also face cross-examination. Both sides have petitioned to unseal documents from Ghislaine Maxwell’s defamation suit, including Giuffre’s manuscript and Ransome’s e-mails to the *Post*. When I asked Giuffre about returning to court, she sounded almost relieved. “He’s been challenging me for years—‘Come say it in public, come say it in public.’ And I said, ‘You know what? Challenge accepted,’ ” she said. “I know he’s going to put up a good fight. But, at the end of it, I know we’re gonna win. We’ve got the truth on our side.” Dershowitz was equally assured. “I will proclaim my absolute innocence until the day I die,” he told me. “I have asked the F.B.I. to attend the trial, because it’s a hundred per cent certain that perjury will be committed.” He went on, “This will be the central part of my defense—that this was a frameup against me. I’m actually writing a book, ‘Suitable for Framing.’ ” ♦

This article has been updated to better reflect the circumstances under which Sue Barlach died.

Published in the print edition of the August 5 & 12, 2019, issue, with the headline “Devil’s Advocate.”

Connie Bruck has been a staff writer at The New Yorker since 1989. She has published three books, including “The Predators’ Ball.” [Read more »](#)

Video



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